

JUL 06 2009

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF VIRGINIA  
ROANOKE DIVISION

JOHN F. CORCORAN, CLERK  
BY:   
DEPUTY CLERK

DAVID F. SPRINKLE,

Plaintiff,

v.

EARL BARKSDALE, ET AL.,

Defendants.

)  
)  
)  
) Case No. 7:08CV00430  
)  
)

) ORDER  
)  
)

) By: Glen E. Conrad  
) United States District Judge  
)

In accordance with the accompanying memorandum opinion, it is hereby

**ORDERED**


as follows:

1. Defendants' motion for summary judgment is **GRANTED**;
2. Defendant DiGiovanni's motion to dismiss (Dkt. No. 45) is **GRANTED**;

3. The motion to dismiss filed by the other medical defendants (Dkt. No. 53) is **GRANTED** in part and **DENIED** in part; the motion is **GRANTED** as to Defendants Elko, Driskoll, and Sams, but is **DENIED** as to Defendants Cypress and Downs with regard to plaintiff's claims, as outlined in the memorandum opinion, that these defendants acted with deliberate indifference to his serious medical need for pain medication. These defendants are directed to file an answer and any other dispositive motion within twenty (20) days from entry of this order; and

4. The clerk shall terminate the following defendants from the action: Mosley, Stephens, Schilling, Ratcliff-Walker, Booker, Mason, Harper, Dent, Smith, Elko, Driskoll, Sams, and Degiovanni;<sup>14</sup>

ENTER: This 6<sup>th</sup> day of July, 2009.

  
United States District Judge

<sup>14</sup> Warden Barksdale will not be terminated as a party at this time.